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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,206	02/24/2005	Johannes Lindemann	916-4 PCT/US	5174
23869	7590	11/09/2006		
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			EXAMINER VANOY, TIMOTHY C	
			ART UNIT 1754	PAPER NUMBER

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,206

Applicant(s)

LINDEMANN ET AL.

Examiner

Timothy C. Vanoy

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1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

- a) The specification needs to be amended to include a "Brief Description of the Drawings".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) In claim 1, the phrase "wherein a metal is firstly precipitated from the salt solution" is somewhat confusing and appears to be inaccurate because the specification appears to disclose the precipitation of a metal hydroxide from the salt solution but not the claimed metal (i. e. elemental metal).

Likewise in claim 20 the phrase "wherein firstly a metal is precipitated from the salt solution" is questioned for the same reason set forth above.

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b) In claims 1 and 20, the phrase “, in particular magnesium hydroxide,” does not comply with the requirements of the 2nd paragraph of 35USC112 because preferences and examples are properly set forth in the specification rather than the claims: please see section 2173.05(d) in the MPEP 8th Ed Rev. 3 Aug. 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent 5,385,671 to Talbot et al.

The abstract and Figure 2 in U. S. Patent 5,385,671 discloses a method for producing magnesium hydroxide by feeding magnesium sulfate and sodium hydroxide into a reaction tank (14) so that the magnesium sulfate and sodium hydroxide react to produce a precipitate of magnesium hydroxide (please also see col. 2 lines 21-27), and pumping the resulting magnesium hydroxide slurry through two ultrafiltration membrane banks arranged in parallel with respect to the flow of magnesium hydroxide slurry so that (evidently) the magnesium hydroxide particles are retained on the surface of the filter as a retentate and the sodium sulfate solution passes through the filter as a permeate (please see col. 1 lines 41-62).

Please note that figure 2 appears to illustrate the passage of the permeate from one filter to another filter within the bank of filters, in a manner that appears to meet the limitation "a permeate produced by filtration of the suspension is fed to the cross-flow filtration installation (3, 7, 14-17) again" set forth in applicants' claim 1 and also the limitation "there is provided at least one conduit for recycling the permeate into the or a further cross-flow filtration unit (7)" set forth in applicants' claim 20. It is noted that applicants' claim 1 is not limited to "a permeate produced by filtration of the suspension is recycled back to a previous cross-flow filtration installation again" and applicants' claim 20 is not limited to "there is provided at least one conduit for recycling the permeate back into a previous cross-flow filtration unit".

The following references are made of record:

U. S. Patent 4,865,744 disclosing a process for the continuous workup of aqueous crude dye suspensions;

U. S. Patent 4,229,423 disclosing a method for producing magnesium hydroxide;

U. S. Patent 3,819,803 disclosing a method for preparing magnesium hydroxide;

U. S. Patent 3,787,558 disclosing magnesium hydroxide production;

DE 100 01 493 A1 disclosing a process for recovering magnesium hydroxide,

and

the article titled "Crossflow microfiltration of magnesium hydroxide suspensions. . ." by Benoit Fradin et al. disclosing cross-flow microfiltration experiments with magnesium hydroxide suspensions.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy C. Vanoy whose telephone number is 571-272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Timothy C Vanoy
Timothy C Vanoy
Primary Examiner
Art Unit 1754

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